PART IV

Section—1-B. 31

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 237—Legis. 2-50-4, dated the Bangalore, 18th April 1950.

Ordered that the accompanying Government Premises (Eviction) Act, 1950 (XXVII of 1950) published in the *Gazette of India*, dated the 11th April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

Received assent on 10th April 1950.

GOVERNMENT OF INDIA

MINISTRY OF LAW

ACT No. XXVII OF 1950

THE GOVERNMENT PREMISES (EVICTION) ACT, 1950

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ACT

to provide for the eviction of certain persons from Government premises and for certain matters connected therewith.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(*1*) This Act may be called the Government Premises (Eviction) Act, 1950.

(*2*) It extends to the whole of India except the States of Jammu and Kashmir and Delhi.

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2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any person authorised by the Central Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification ;

(*b*) "Government premises" means any premises belonging to, or taken on lease or requisitioned by the Central Government ;

(*c*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(*d*) "prescribed" means prescribed by rules made under this Act.

3. Power to evict certain persons from Government premises.—(*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any Government premises has, whether before or after the commencement of this Act,—

(*i*) sub-let, without the permission of the Central Government or of the competent authority, the whole or any part of such premises, or

(*ii*) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any Government premises,

the competent authority may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the date of the service of the notice.

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

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4. Power to recover damages.—(*1*) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served by post or otherwise, order that person to pay the damages within such time as may be specified in the notice.

(*2*) If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

5. Appeal.—(*1*) Any person aggrieved by an order of the competent authority under section 3 or section 4 may, within ten days of the date of the service of the notice under section 3 or section 4, as the case may be, prefer an appeal to the Central Government :

Provided that the Central Government may entertain the appeal after the expiry of the said period of ten days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the Central Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the Central Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

6. Bar of jurisdiction of civil courts.—No order made by the Central Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

7. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

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8. Delegation.—The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the Central Government.

9. Penalty.—Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall be punishable with fine which may extend to one thousand rupees.

10. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of notice and the manner in which it may be served ;

(*b*) the procedure to be followed in taking possession of Government premises ;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(*e*) any other matter which has to be, or may be, prescribed.

K. V. K. SUNDARAM, *Secy.*

No. L. D. 238—Legis. 2-50-5, dated Bangalore, the 18th April 1950.

Ordered that the accompanying Transfer of Prisoners Act, 1950 (XXIX of 1950) published in the *Gazette of India*, dated the 22nd April 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.